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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/972,078 | 10/05/2001 | Evren Eryurek | P32.12-0019 | 4936 |
| 7590 | 08/04/2005 | | EXAMINER | |
| Judson K. Champlin WESTMAN CHAMPLIN & KELLY International Centre - Suite 1600 900 South Second Avenue Minneapolis, MN 55402-3319 | | | HOLMES, MICHAEL B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2121 | |
| DATE MAILED: 08/04/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|------------------------|---------------------|
| | 09/972,078 | ERYUREK ET AL. |
| Examiner | Art Unit | |
| Michael B. Holmes | 2121 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 May 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-14 and 31, 32 is/are allowed.

6) Claim(s) 17 is/are rejected.

7) Claim(s) 18-30 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on October 5, 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: *Detailed Office Action*.



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Examiner's Detailed Office Action

1. This Office Action is responsive to application 09/972,078, filed October 09, 2001.
2. Claims 1-32 have been examined.

Claim Objection(s)

3. The claims are misnumbered i.e., claims 12-30, should be renumbered claims 14-32.

Claim 17 (misnumbered as claim 15), line 4, "mode" should be -model-. Appropriate correction is required. Claims 18-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 17 (misnumbered as claim 15) is rejected under 35 U.S.C. 102(b) as being anticipated by *Matsumoto et al.* (USPN 5,333,240).

Regarding claim 17 (misnumbered as claim 15). *Matsumoto et al.* teaches a diagnostic method in an industrial process for identifying a root cause of an aberration in an industrial process, comprising: selecting a process model from a plurality of process models (see Fig. 12, power plant neural network model 3000 has various neural network model groups 3100, 3200, 3300, and column 15, line 33 to column 16, line 29, in particular, see column 16, lines 38-41; which teach applying the present invention to the “diagnosis of the state of operation of various targets”), each model related to a physical implementation of an industrial process (see column 15, lines 33-36), the selected model uniquely identifying one of the process models (see column 16, lines 4-19); receiving a plurality of process signals related to the process (input signals in Fig. 10, and column 11, lines 29-34); and identifying a root cause indicative of the source of the aberration in the process, which is a function of the selected model and the process signals (see Fig. 11, and column 11, lines 58-60, which lists potential causes).

Allowable Subject Matter

6. Claims 1-14 and 31, 32 are allowed.

Correspondence Information

7. Any inquires concerning this communication or earlier communications from the examiner should be directed to Michael B. Holmes, who may be reached Monday through

Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-3686 or facsimile transmission (571) 273-3686 or email Michael.holmesb@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (703) 746-7239.

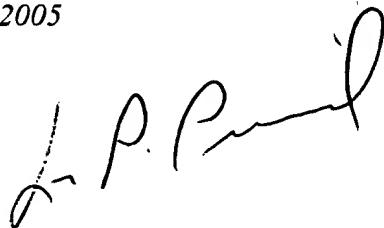
If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, Anthony Knight, may be reached at (571) 272-3687.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Michael B. Holmes
Patent Examiner
Artificial Intelligence
Art Unit 2121
United States Department of Commerce
Patent & Trademark Office

Saturday, July 23, 2005

MBH



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100